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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 541 of 2026

1 - Tej Bahadur Singh S/o Late Ram Naresh Singh Aged About 74 Years
Occupation- Retired Government Servant, Caste- Kshatri (Rajput) R/o
Kedarpur Nagar, Ambikapur, District- Surguja (C.G.)

2 - Birendra Bahadur Singh S/o Late Ram Naresh Singh Aged About 61 Years
Occupation- Retired Revenue Inspector, Caste- Kshatri (Rajput) R/o Charcha
Road Nagar, Baikunthpur, District- Koriya (C.G.)

3 - Rajesh Kumar Singh S/o Late Ram Naresh Singh Aged About 57 Years
Occupation- Service, S.E.C.L., Caste- Kshatri (Rajput) R/o Bhatgaon Collier,
District- Surajpur (C.G.), Presently R/o Bhatti Road, Ganesh Dada Gali,
Kedarpur Nagar, Ambikapur, District- Surguja (C.G.)

4 - Ashok Kumar Singh S/o Late Ram Naresh Singh Aged About 51 Years
Occupation- Agriculturist, Caste- Kshatri (Rajput) R/o Gadabaghrai, Tahsil And
District- Jaunpur (U.P.)

5 - Mahendra Kumar Singh S/o Late Ram Naresh Singh Aged About 48 Years
Occupation- Service (Bank Manager), Caste- Kshatri (Rajput) R/o Marin Drive
Nagar, Ambikapur, District- Surguja (C.G.)

... Petitioners

versus

1 - Ajay Bahadur Singh S/o Late Raj Bahadur Singh Aged About 47 Years
Caste- Kshatri (Rajput) R/o Village- Khairagarh, Tahsil- Khairagarh, District-
Rajnandgaon (Presently District- Khairagarh-Chhuikhadan-Gandai)(C.G.)



2 - Ripti Singh Wd/o Late Abhay Bahadur Singh Aged About 45 Years R/o Village- Khairagarh, Tahsil- Khairagarh, District- Rajnandgaon (Presently District- Khairagarh-Chhuikhadan-Gandai)(C.G.)

3 - Rudrasha Bahadur S/o Late Abhay Bahadur Singh Aged About 12 Years Through Natural Guardian Ripti Singh, Wd/o Late Abhay Bahadur Singh, R/o Village- Khairagarh, Tahsil- Khairagarh, District- Rajnandgaon (Presently District- Khairagarh-Chhuikhadan-Gandai)(C.G.)

4 - Dinesh Kumar Singh S/o Late Ram Naresh Singh Aged About 48 Years Occupation- Contractor, Caste- Kshatri (Rajput) R/o Bhatti Road, Ganesh Dada Gali, Kedarpur Nagar, Ambikapur, District- Surguja (C.G.)

5 - State Of Chhattisgarh Through Collector, Surajpur, District- Surajpur (C.G.)

6 - Gayatri Singh Wd/o Raj Bahadur Singh Aged About 75 Years R/o Village- Bakthari, Post Office- Murar, Tahsil- Kerakat, District- Jaunpur (U.P.)

... Respondents

(Cause title taken from Case Information System)

For Petitioners : Mr. Malay Shrivastava, Advocate

For Respondent No.5/State : Ms. Diksha Gouraha, Deputy G.A

Hon'ble Shri Justice Ravindra Kumar Agrawal

Order on Board

06/05/2026

1. Present is a writ petition filed by the petitioners under Article 227 of the Constitution of India against the impugned order dated 04.02.2026 passed by the learned 4th Civil Judge, Senior Division, in Civil Suit No. 60-A/2018, whereby the application filed by the petitioners under Order 8, Rule 1 of the CPC has been rejected.



2. Learned counsel for the petitioners would submit that the petitioners are the defendants before the learned Trial Court. The plaintiffs/respondents No. 1 and 2 are prosecuting a civil suit for declaration of title, partition and separate possession and also declaring the decree dated 23.11.2013 be declared as null and void. In the civil suit, the defendants have made their appearance and filed their written statements on 02.11.2023, thereafter the issues have been framed by the learned Trial Court. After framing of the issues, the plaintiffs filed an application under Order 1, Rule 10 of the CPC for impleading a new defendant No. 8 in the suit, which was allowed by the learned Trial Court and after impleading the new defendant No. 8 in the suit, he was noticed, and he also filed his written statement as well as a counter-claim. The defendant No. 8 has filed his counter-claim on 20.03.2025 and the plaintiffs have filed written statement of counter claim on 20.06.2025. Thereafter, on 09.07.2025, the defendants filed their application under Order 8, Rule 1 of the CPC along with the documents as per the list of documents submitted by them. The said documents are the certified copies of the revenue records as well as other proceedings which are necessary and relevant for the just decision of the case. He would further submit that on the date when the application was filed by the defendants under Order 8, Rule 1 of CPC, the case was fixed for framing of additional issues with respect to the written statement and counter-claim filed by defendant No. 8. The evidence has not been started yet. Therefore, the documents filed by the defendants in support of their case should have been taken on record, irrespective of the fact that the defendants may or may not prove the




same. The learned Trial Court, without assigning any proper reason, rejected the application by saying that the application filed by the defendants is a frivolous application. Therefore, the application may be allowed, and the documents filed by the defendants may be taken on record.

3. I have heard learned counsel for the petitioners and perused the material annexed with the petition.
4. From perusal of the documents submitted by the petitioners in the present writ petition, it transpires that the suit is at the stage of framing of additional issues on the written statement and counter-claim filed by the newly added defendant No. 8, and the evidence of the parties has not been started yet. Filing of the document by the defendants has been provided under Order 8, Rule 1 of CPC, and at the time of or before framing the issues, the parties are at liberty to file their documents in accordance with law, which the defendants have availed their right to file the documents and submitted the document on 09.07.2025 along with the list of the documents.
5. Irrespective of the consideration as to whether the said documents are admissible or not, or whether the defendants are able to prove the same or not, at this stage, it is only that it has to be taken on record irrespective of its nature and its proof. It is only for tagging of the document along with the written statement submitted by the defendants. The effect and admissibility of those documents are to be tested at the time of trial of the suit. Simply saying that the application of the defendants is a frivolous application appears to be erroneous.



6. Accordingly, this Court is of the considered opinion that the documents filed by the defendants should be taken on record, and therefore, the impugned order dated 04.02.2026 with respect to rejection of the application filed by the defendants under Order 8, Rule 1 of CPC is set aside. The application filed by the defendants dated 09.07.2025 (Annexure P-5) is allowed, and the documents as have been submitted along with the list of documents dated 09.07.2025, which is annexed at page No. 58 of the present writ petition, is directed to be taken on record.
7. Accordingly, the present writ petition is **allowed**.

Sd/- 
(Ravindra Kumar Agrawal)
Judge

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